

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

BILLY J. RAYBURN,

Plaintiff,

v.

**Civil Action No. 2:07cv42
(Judge Maxwell)**

**HARLEY LAPPIN, K. M. WHITE,
WARDEN R. MARTINEZ, H. BOYLES,
AND PA AZUMA,**

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTED COUNSEL**

This case is before the Court on the plaintiff's letter motion requesting the appointment of counsel, filed June 14, 2007. In the motion, the plaintiff simply states that he "would like to request a lawyer," if he can.

In contrast to criminal proceedings, appointment of counsel in a civil case is not a constitutional right; it is a decision within the Court's discretion. See 28 U.S.C. § 1915(e)(1). The Court should request counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4th Cir. 1975). "The question of whether such circumstances exist in any particular case hinges on characteristics of the claim and the litigant." Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir 1984).

In this case, the plaintiff has failed to show a particular need or exceptional circumstances which would require the assistance of a trained practitioner. Accordingly, the plaintiff's request for counsel (dckt. 6) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: November 15, 2007.

/s *John S. Kaull*
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE